IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10767 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

FAIYAZHUSSAIN ABDUL KADAR SHAIKH

Versus

MOHMMED RASID ABDULKADAR SHAIKH

Appearance:

1. Special Civil Application No. 10767 of 2004

MR YN RAVANI for Petitioner No. 1

MR VC VAGHELA for Respondent No. 1-2

NOTICE SERVED for Respondent No. 3

UNSERVED-EXPIRED (N) for Respondent No. 3/1

SERVED BY AFFIX.(N) for Respondent No. 3/2-3/3

MS SANDHYA D NATANI for Respondent No. 3/4

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 01/03/2005

ORAL JUDGEMENT

1. The petitioner herein has challenged the order dated 14/06/2004 passed by the Appellate Bench of the Small Causes Court, Ahmedabad in Appeal from Order No.85 of 1998, whereby the injunction granted on 17/07/1998 by the learned Judge, Small Causes Court, Ahmedabad below exh.5 in H.R.P. Civil Suit No.723 of 1998 was confirmed.

2. I have heard learned counsel for the parties and have perused the relevant documents on record. In view of the peculiar facts and circumstances of the case, I am of the opinion that ends of justice would be met if the suit pending before the trial Court is expedited, while directing the parties to maintain status quo as on today, till the disposal of the said suit.

3. Therefore, without entering into the merits of the matter, the trial Court is directed to expedite the hearing of the suit being H.R.P.Civil Suit No.723 of 1998 pending before the Small Causes Court,Ahmedabad and to dispose it of within a period of six months, if it is already ripe for hearing; otherwise, within a period of two years from the date of receipt of writ of this order. Parties are directed to maintain status quo as on today till the said suit is finally disposed of

4. With the above observations and directions, the Appeal from Order stands disposed of. Office is directed to send writ of this order forthwith.

[K. S. JHAVERI, J.]

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